

### **REMARKS/ARGUMENTS**

The Examiner is thanked for her attention to this application.

#### **Selection of Group for Prosecution**

Applicant provisionally selects GROUP III for prosecution. Group III as originally identified by the Examiner, included claims 18-26 and 28. However, in view of the preliminary amendment included herein, Applicant believes that amended claims 1, 2, 6-9, and 13-17 are now also directed to a capacitor based biodetector and should therefore also be examined under this selection.

Thus Applicant requests that all claims not indicated WITHDRAWN in this preliminary amendment be examined.

#### **RESPONSE TO REQUIREMENT OF ELECTION OF SPECIES**

The Examiners further states that any claims discussing probe molecules are directed to the patentably distinct species: (a) self-assembled monolayers, (b) single-strand oligonucleotide (c) amino acid templates, with claims 1-14, 18-21, 24-27, and 29-32 being generic. Of these, non-withdrawn claims 1, 2, 6-9, 13, 14, 18-21, and 26 are generic and claims 15-17, 22-23 and 28 are considered non-generic by the examiner.

#### **In response to this election of species requirement, Applicants elect Species**

(b) single-strand oligonucleotide.

With respect to the election of species, the Examiner is respectfully reminded that if there is a generic claim, the Examiner is to include "a complete action on the merits of all the claims readable on the elected species" MPEP 809.02(c). In addition, to the extent all species fall within the limitations of a generic claim ultimately determined to be patentable the non-elected species should no longer be deemed to be withdrawn and claims to the additional non-elected species should be considered by the Examiner.

**Applicant's further note that the following NONWITHDRAWN claims are readable on the elected species:** generic claims 1-14, 18-21, 24-27, and 29-32 and non-generic claims 22, 23 and 28. **Accordingly, it is Applicants understanding that in accordance with MPEP §809.02(c) these claims will be examined with respect to the initially elected species.**

Appl. No. 10/814,609  
Amdt. Dated 8 November 2006  
Reply to Office action of 8 September 2006

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3508.

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Respectfully submitted,

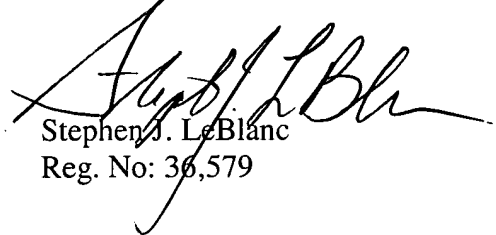
Stephen J. LeBlanc  
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